



December 8, 2016

BY ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: NOTICE OF EX PARTE
MB Docket No. 16-306: *Post-Incentive Auction Transition*

Dear Ms. Dortch:

Competitive Carriers Association (“CCA”)¹ appreciates and shares the Federal Communications Commission’s (“FCC” or “Commission”) commitment to ensuring a successful 600 MHz incentive auction, from start to finish. Specifically, CCA applauds the Commission’s phased transition schedule (“Transition Plan”) for the auction, as published in the above-mentioned docket.² CCA supports the Commission’s goal to maintain the Congressionally-based 39-month relocation timeframe,³ and for affirming its primary commitment to clear the 600 MHz spectrum band as soon as possible.⁴ Spectrum is critically important for competitive carriers to buildout their networks and satisfy consumers’ desires for enhanced services and innovative technologies. In recognizing the need for suitable and available wireless spectrum, the Commission must remain

¹ CCA is the leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 subscribers, to regional and national providers serving millions of customers. CCA also represents approximately 200 associate members consisting of small businesses, vendors, and suppliers that provide products and services throughout the mobile communications supply chain.

² *Incentive Auction Task Force and Media Bureau Seek Comment on Post-Incentive Auction Transition Schedule*, MB Docket No. 16-306, GN Docket No. 12-268, Public Notice, DA 16-1095, ¶ 2 (rel. Sept. 30, 2016) (“Notice”).

³ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012) (the “Spectrum Act”). By the time the 39-month active relocation period ends, broadcasters and suppliers of critical inputs will have had more than seven years to prepare for the introduction of new wireless broadband services contemplated by Congress’ adoption of the landmark Spectrum Act of 2012, which identified the broadcast television bands for auction and relocation.

⁴ Notice, Appendix A, ¶ 20 at p. 9 (specifically seeking to prioritize “[a]ssign[ing] U.S. stations whose pre-auction channels are in the 600 MHz band to earlier phases in order to clear the 600 MHz band as quickly as possible, while simultaneously assigning all Canadian stations and U.S. stations whose pre-auction channel is in the remaining television bands (U.S. TV-band stations) to later phases, where possible.”).

focused on clearing the 600 MHz band no later than the FCC-established 39-month timeline and in the most efficient, seamless manner possible.⁵

To facilitate prompt access to critical spectrum resources, CCA recommends the Commission provide a flexible transition schedule that allows for initial preparation procedures, even if these preparations are completed sooner than anticipated.⁶ It is imperative that the Commission strike the appropriate balance to maintain flexibility along with certainty of phased completion dates, as wireless providers and other stakeholders have begun engaging in their own planning activities in reliance on these timelines.⁷ Case in point, two antenna equipment manufacturers, Dielectric, Inc., and Electronics Research Inc., and one broadcast transmitter manufacturer, GatesAir, Inc., wisely are preparing for the post-auction transition by acquiring capital investments, testing equipment, building additional facilities, and revamping product lines to meet expected demands necessary to complete the repack. Phil Kurz, in his recent article “RF Vendors Prepare for TV Spectrum Repack”⁸ published in *TVNewsCheck*, details the ramp-up efforts of these companies and how they likely will be ready to meet the demand for new equipment when broadcasters are expected to begin their changeover. The article also shines light on an often-overlooked benefit of the transition: the creation of manufacturing jobs in rural America. Indeed, this pro-active approach will be an economic boon, especially for rural Americans, benefiting broadcasters, wireless providers, and consumers alike.

Further, tower companies continue to engage in ongoing outreach with broadcasters to develop strategies necessary to facilitate channel repacking and early construction plans.⁹ This

⁵ See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report & Order, 29 FCC Rcd 6567, 6796-802 ¶¶ 559-73 (2014) (“*Incentive Auction Order*”) (establishing a 39-month post-auction transition period for broadcasters that are assigned new channels in the repacking process, which includes a three-month period during which broadcasters will complete and file their construction permit applications followed by a 36-month period consisting of varied construction deadlines). See also *Nat’l Ass’n of Broadcasters v. Fed. Comm’n Comm’n*, 789 F.3d 165 (D.C. Cir. 2015) (upholding the FCC’s 39-month transition period).

⁶ See Comments of Competitive Carriers Association, MB Docket No. 16-306 at 4 (filed Oct. 31, 2016) (“CCA Comments”); see also Reply Comments of Competitive Carriers Association, MB Docket No. 16-206 at 3 (filed Nov. 15, 2016) (“CCA Reply Comments”).

⁷ See *Ex Parte* Letter from Rebecca Murphy Thompson, EVP & General Counsel, CCA to Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268 (filed Feb. 10, 2016) (“Cramton Study”). Professor Cramton concludes that the Commission can comfortably repack broadcast television licensees, regardless of whether there are 700 or 1000+, within the current timeline and statutory budget. Professor Cramton’s analysis is based on his repacking simulation, the number of trained tower crews, the number of tall towers and broadband antennas that can be retuned, and basic supply and demand. Based on the study, CCA reiterates its support for the Commission’s plan to conclude the broadcaster relocation within 39 months following the close of the incentive auction.

⁸ Phil Kurz, *RF Vendors Prepare for TV Spectrum Repack*, TVNEWSCHECK (Dec. 1, 2016), available at <http://www.tvnewscheck.com/article/99654/rf-vendors-prepare-for-tv-spectrum-repack/>. See also Bryan Campbell, *Electronics Research Inc./T-Mobile*, ERI Vimeo Blog (Nov. 2016), available at <https://vimeo.com/190678426> (showing Electronics Research Inc.’s ramp-up in production).

⁹ Peter Starke, *Putting Repack in Perspective*, American Tower Corporation (Dec. 7, 2016), available at http://www.nxtbook.com/nxtbooks/newbay/tvt_repack_201603/index.php?startid=4.

coordination has led to broadband antenna solutions in major markets and technical proposals to ensure permanent post-auction solutions and avoid undesirable consequences such as disruptions in service. As evidenced by these collective efforts, facilitating early preparations and exchange of information by a variety of stakeholders will ensure scarce resources are used when needed and in the most expeditious manner.

The increase in production capacity and manpower necessary to meet the coming demand, as noted in the *TVNewsCheck* article,¹⁰ sharply contradicts several unfounded assumptions about the ability of broadcast manufacturing and service providers to meet the coming need. Rather, it is important to note that while the transition of spectrum to wireless use is key to future economic growth, the 600 MHz transition itself already is an engine for economic stimulation for broadcast manufacturers and vendors across rural America. CCA therefore encourages the Commission to ensure the 600 MHz band is expeditiously cleared for wireless use on a predetermined schedule, while maintaining flexibility for early transition preparations that already are underway. In rural America, the benefits of 600 MHz low-band spectrum are unquestionable. It should be incumbent on the FCC to complete the transition in the statutorily-based timeline.¹¹

This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's rules. Please do not hesitate to contact me with any questions or concerns.

Respectfully submitted,

/s/ Rebecca Murphy Thompson

Rebecca Murphy Thompson
EVP & General Counsel
Competitive Carriers Association

cc (via email): Gary Epstein
Sandra Danner
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¹⁰ See *supra*, note 8.

¹¹ See *supra*, note 3.